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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,156	09/30/2003	Kim Hansen	US030380	5549

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EXAMINER

BUSTAMANTE, ERIK J

ART UNIT	PAPER NUMBER
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3766

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/675,156

Applicant(s)

HANSEN ET AL.

Examiner

Erik J. Bustamante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 3 contains lines which are not uniformly thick and well defined, poor line quality. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of claims 10-19 must be shown or the feature(s) canceled from the claim(s), applicant is advised that flow chart depicting the steps would be sufficient. No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 1 is objected to because of the following informalities: information is misspelled as "nformation". Appropriate correction is required.
5. Claims 9 and 18 are objected to because "said button" lacks sufficient antecedent basis, in addition in claim 18 "said activating step" lacks sufficient antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following limitations of claim 1 can be interpreted to read on non-statutory material: "information request input", "an output", and a "state input." These limitations can be read as electronic signals and should be written in a form that would clearly distinguish these limitations as being tangible.

8. Claims 11-13, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11-13, and 18 are written as dependent claims; however, they are dependent on themselves. Thus, it is unclear to the examiner which limitations from other claims are incorporated in claims 11-13 and 18. Under the best ability of the examiner, claim 11 is interpreted to depend on claim 10, claim 12 is interpreted to depend of claim 11, claim 13 is interpreted to depend on claim 12, and claim 18 is interpreted to depend on claim 10.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1,2,7,8,10,11,16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by HANSEN (2002/0087195 A1).

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Regarding claims 1,7, and 8, HANSEN discloses an automatic external defibrillator with a button to serve as an information request input (paragraph 29,45), a state input indicative of an operational state of the defibrillator (claim 1; paragraph [0044]) a speaker serving as an output (claim 6; 120), and a controller (106) which provides context-sensitive rescue information to the output (paragraph 25).

Regarding claim 2, HANSEN discloses a second state input indicating defibrillator electrode status (paragraph 36).

Regarding claims 10,16,and 17, HANSEN discloses requesting help through an information request input/button (paragraphs 29,36,45), determining the operation status of the defibrillator (paragraphs 25,44), and conveying through an output/speaker (paragraph 25; claims 1,6).

Regarding claim 11, HANSEN discloses a second state input indicating defibrillator electrode status (paragraph 36).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 3-5, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over HANSEN as applied to claims 2 and 11 above, and further in view of HERIEIKSON (2002/0143366 A1).

Regarding claims 3, 4, 12, and 13, HANSEN discloses the claimed invention essentially as described above with the exception of determining a rescue electrode status, training electrode status, or electrode not installed status.

HERIEIKSON teaches determining a rescue electrode status (claim 2; paragraph [0044-0045, 0062]) or an electrode not installed status (paragraph 38).

HERIEIKSON teaches that this allows the AED "the ability to automatically test and verify the AED functionality with the electrodes prior to use" (paragraph [0023]). HERIEIKSON further teaches in determining an adult or pediatric electrode status (paragraphs 44-46).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention of HANSEN with the ability to detect a rescue electrode status, an adult electrode status, a pediatric electrode status, or electrode not installed status in light of the teachings of HERIEIKSON so to allow for the automatic testing and verification of the AED functionality with the electrodes prior to use.

Regarding claims 5 and 14, HANSEN discloses the claimed invention essentially as described above with the exception that the state input being an impedance measurement. HERIEIKSON teaches performing an impedance measurement

(paragraph 63). HERIEIKSON teaches that in doing so one can "significantly reduce artifacts generated at the skin-electrode interface (paragraph 63)."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the state input of the invention HANSEN to be an impedance measurement in light of the teachings of HERIEIKSON for the purpose reducing artifacts generated at the skin electrode interface.

13. Claims 6,9,15,18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over HANSEN as applied to claims 1 and 10 above, and further in view of HAMILTON (2003/0083699 A1).

Regarding claims 6,9,15, and 19, HANSEN discloses the claimed invention essentially as described above with the exception of providing CPR instructions and user reassurance comments. HANSEN does disclose that the button is selectively activated by the state input (paragraph 39). HAMILTON teaches providing automated CPR instructions and user reassurance comments in an AED (paragraphs 12,14,17,52,57) so as "aid the caregiver in more quickly and efficiently performing the required steps in the resuscitation sequence (paragraph 12)."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the device of HANSEN with CPR instructions in light of the teachings of HAMILTON to aid the caregiver in more

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quickly and efficiently performing the required steps in the resuscitation sequence.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over HANSEN.

Regarding claim 18, HANSEN discloses the claimed invention essentially as described above with the exception of illuminating said button in response to said activating step. The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed for the button to illuminate in response to said activating step as a matter of obvious design choice.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik J. Bustamante whose telephone number is 571-272-8820. The examiner can normally be reached on Mon-Fri (7:30 - 11:30 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erik J Bustamante
Examiner
Art Unit 3766



Robert E. Pezzuto
Supervisory Patent Examiner
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EJB